## **United States Department of the Interior Bureau of Land Management**

## Categorical Exclusion DOI-BLM-CO-SO50-2016-0004 CX

December 2015

### 2016 Montrose County Roads Right-of-Way

Location: West and Central Montrose County

U.S. Department of the Interior Bureau of Land Management Uncompanyer Field Office 2465 South Townsend Avenue Montrose, CO 81401 Phone: (970) 240-5300



#### U.S. Department of the Interior Bureau of Land Management Uncompander Field Office 2465 South Townsend Avenue Montrose, CO 81401

#### **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-S050-2016-0004 CX

CASE FILE: COC-48594

PROJECT NAME: 2016 Montrose County Roads Rights-of-Way for Existing Roads

PLANNING UNIT: San Juan/San Miguel and Uncompangre Basin Resource Management

Units

#### **LEGAL DESCRIPTION:**

New Mexico Principal Meridian, Colorado

T. 48 N., R. 10 W.,

sec. 8, E1/2NE1/4, E1/2SW1/4, N1/2SE1/4, and SW1/4SE1/4;

sec. 17, NE1/4NW1/4 and S1/2NW1/4;

sec. 18, lots 23 and 32;

sec. 19, lots 7, 11, and 12, N1/2NE1/4, SW1/4NE1/4, and NW1/4SE1/4;

sec. 30, lots 2, 4, 5, and 9.

T. 47 N., R. 11 W.,

sec. 2, lot 2 and SW1/4NE1/4.

T. 48 N., R. 11 W.,

sec. 25, E1/2SE1/4;

sec. 35, NE1/4SE1/4 and S1/2SE1/4;

sec. 36, N1/2NE1/4, SW1/4NE1/4, SE1/4NW1/4, and N1/2SW1/4.

T. 46 N., R. 14 W.,

sec. 1, lots 3 and 4, and SE1/4NW1/4;

sec. 2, lots 1 thru 3, and S1/2NW1/4;

sec. 3, lots 11 and 12, and SE1/4NE1/4;

sec. 4, lots 16 thru 19, and N1/2SW1/4;

sec. 5, lots 19 thru 2, and SE1/4NW1/4;

sec. 6, lots 21 thru 23, and SW1/4NE1/4.

T. 46 N., R. 15 W.,

sec. 22, E1/2NW1/4 and NW1/4SW1/4.

T. 48 N., R. 16 W.,

sec. 9, N1/2SE1/4 and SW1/4SE1/4;

sec. 10, N1/2NE1/4, SW1/4NE1/4, NE1/4NW1/4, and S1/2NW1/4;

sec. 16, NW1/4NE1/4.

T. 47 N., R. 17 W.,

sec. 1, lot 6 and lots 8 thru 11;

sec. 2, lot 20.

T. 48 N., R. 17 W.,

sec. 22, lots 2, 6, 7, and lots11 thru 13;

sec. 35, SE1/4SE1/4;

sec. 36, S1/2SW1/4 and S1/2SE1/4.

T. 48 N., R. 18 W.,

sec. 2, lots 24 and 27, and SW1/4SE1/4;

sec. 11, lots 1, 9, and 10, and NE1/4NE1/4;

sec. 12, W1/2SW1/4;

sec. 13, lots 1 and 2, and NW1/4NW1/4;

sec. 21, W1/2NE1/4 and SE1/4NW1/4.

APPLICANT: Montrose County (MC)

BACKGROUND: MC has applied for a right-of-way (ROW) for a number of existing roads that the county already maintains as county roads (CR) or proposes to maintain as county roads at the current maintenance levels (see Table 1). This ROW will authorize MC to operate and maintain those portions of the existing county roads that were mistakenly left out of the MC's R.S. 2477 filing. The county road sections have been or would be incorporated into the county road system. These road sections are also proposed to be included in MC's general recreation plan for a 4WD drive route from Montrose, CO to Moab, UT.

DESCRIPTION OF PROPOSED ACTION: The Proposed Action is to amend the MC ROW (COC- 48594), which currently covers a small portion of CR 90 near Dry Creek, to include all of the existing routes listed in Table 1 and shown in Exhibit B. This amendment of COC-48594 will supersede the ROW grant (COC-46549) that was granted for a reconstruction project on a portion of CR 90, and thus COC-46549 would not be needed and would be relinquished by MC.

These sections of existing roads would be or are already included in the county road system, and would be maintained as county roads at the identified maintenance level under the Montrose County Standards and Specifications for Roads and Bridges, amended August 21, 2006 (Resolution #114-2006).

Table 1 (\* 30 ft. and 75 ft. from either side of center lines respectively)

ROUTE	MILES	FEET	TOTAL WIDTH *	ACRES	Maintenance Level
CR S12	0.38	2,006.40	60	2.76	1
CR Q12	2.80	14,784.00	60	20.36	1
CR U17	1.24	6,547.20	60	9.02	1
UNNAMED CR FROM FS668 TO CR					
Z26	2.20	11,616.00	60	16.00	1
CR U19	2.30	12,144.00	60	16.73	1
CR 90	12.24	64,627.20	150	222.55	4
TOTAL	21.16	111,724.80		287.42	

#### **DESIGN FEATURES**

#### Maintenance Levels and Activities

The road segments would be maintained in accordance with the maintenance service level identified in Table 1 and described in in the Montrose County Standards and Specifications for Roads and Bridges, amended August 21, 2006 (Resolution #114-2006):

#### Maintenance Service Level I

This level is basic custodial care as required to protect the ROW and road investment on low use access routes to public lands, and to see that damage to adjacent land and resources is held to a minimum. This level is on roads that are open to public travel but rarely, if ever, receive physical maintenance. This level is basic care as required to protect very low use access routes to public lands from closure or purposeful damage and to see that damage to adjacent land and resources is held to a minimum. This level is on roads that are open to the public; however traffic volume and physical condition are not monitored by county staff.

- (1) Roadway -Dozer or Blade maintenance sufficient to maintain passage for high clearance and 4x4 vehicles.
- (2) Roadside No maintenance required. Routine or intermittent removal of brush and trees from the roadway is not included in this level.
- (3) Drainage All drainage is functioning properly; no major erosion or sedimentation visible at time of inspection. Road may or may not have roadside ditches.
- (4) Structures Structures should be adequate for historic use.
- (5) Traffic Control Devices none.
- (6) Winter Maintenance Not provided, the route may be gated closed during winter periods to minimize road damage.

#### Maintenance Service Level 4

This level generally applies to moderate use roads serving 200 to 500 average daily trips (ADT). At this level, more consideration is given to the comfort of the user. Level 4 roads are frequently surfaced with aggregate material, but some routes may be paved to meet economical consideration of the limited aggregate resource and the surface replacement cost factors. Level 4 roads may also be paved to provide more user comfort or to alleviate dust concerns.

- (l) Roadway Surfacing replacement sufficient to allow economical blade maintenance (formal project; scarify, water, add road base gravel and compact), and to maintain the historic level of serviceability.
- a. Surface Grading: Potholes and wash boarding will be repaired in spot locations as they develop. Traveled-way maintenance of the entire facility will be accomplished at frequencies dictated by road conditions, use and travel speeds, as necessary for safety and comfort of users.
  - b. Dust abatement: To be performed as necessary to maintain fines content in the surface course for economical road maintenance. Some local dust abatement in residential districts may be performed during dry years if budgets permit.
  - c. Pavement Maintenance

- Repaired to provide skid-resistant wearing course;
- Repair of potholes;
- Elimination of surface depressions which trap water on the pavement;
- Crack repair;
- Seal coating
- (2) Roadside Graded and maintained to the as-constructed standard. Brush control accomplished on scheduled basis for safe sight distance, and appearances.
- (3) Drainage Structures are to be maintained to their as-constructed condition. Ditches cleaned as required for runoff. Ditch pulling may be specified. Surface maintenance normally should occur after ditch pulling on aggregate surfaced roads. Specific consideration must be given to the disposal of materials excavated and the erosion potential caused.
- (4) Structures More consideration to be given to the appearance of a structure. Painting will be accomplished on a scheduled basis. Bridges, bridge rails, cattleguards, and fences shall be maintained in fully serviceable condition.
- (5) Traffic Control Devices
  - Warning, regulatory signs and traffic-control devices are managed per MUTCD regulations
  - Directional and guide signs are in place and properly maintained.
  - Markings Centerline, edge stripping and similar types of markings painted on pavement and curbs shall be repainted as needed for effectiveness in periods of poor visibility.
- (6) Winter Maintenance School routes shall be plowed first, and then Level 4 roads will be plowed after or concurrent with arterials. Plowing will generally occur between the hours of 5am and 9pm, a maximum of two (2) times per day, and possibly as infrequent as one (l) time per day depending on storm severity.

ROW COC-48594 expires on June 25, 2019, but would be amended and renewed. The ROW would be issued under FLPMA to Montrose County in perpetuity and would be subject to the stipulations in Exhibit A. Per 43 CFR §2806.14, as a local government, the county is rental exempt.

<u>PLAN CONFORMANCE REVIEW</u>: The Proposed Action is subject to and has been reviewed for conformance with the following plans (43 CFR 1610.5):

Name of Plan: San Juan/San Miguel Planning Area Resource Management Plan

<u>Date Approved</u>: September 1985

<u>Decision Language</u>: Utility and Transportation Corridors. In general, public land is available for utility and transportation corridor development, however, applicants will be encouraged to locate new facilities within existing corridors to the greatest extent possible.

Management Units A & B: Allow other land actions, when there is a clear and significant public need, when they will result in minimal adverse impacts, or when they will be beneficial to grazing management.

Management Unit C-1: Other land actions will be allowed if they are designed to meet the established recreation management objectives, or when there is a clear and significant public need.

Management Unit G: Allow other land actions to occur with appropriate stipulations, or when there is a clear and significant public need.

Name of Plan: Uncompangre Basin Resource Management Unit

Date Approved: July 1989

<u>Decision Language</u>: Lands cases generated by other agencies, individuals, and entities would be analyzed and processed on a case-by-case basis in accordance with guidance provided by this plan.

Management Unit 2: All other land uses would be permitted if they would not degrade the areas' winter range capabilities. Disturbances would be minimized from December 1 through April 30 on crucial deer and elk winter range.

<u>CATEGORICAL EXCLUSION REVIEW</u>: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number E.16 which allows "Issuance of rights-of-way for the use of existing facilities, improvements or sites for the same or similar purposes."

None of the following exceptions in 516 DM 2, Appendix 2, apply.

	Exclusion	YES	NO
1.	Have significant adverse effects on public health and safety.		X_
2.	Have significant impacts on such natural resources and unique		
	geographic characteristics as historic or cultural resources; park,		
	recreation, or refuge lands; wilderness areas; wild or scenic rivers;		
	national natural landmarks; sole or principal drinking water aquifers;		
	prime farmlands; wetlands, floodplains; national monuments;		
	migratory birds; and other ecologically significant or critical areas.	-	<u>X</u>
3.	Have highly controversial environmental effects or involve		
	unresolved conflicts concerning alternative uses of available		
	resources.		<u>X</u>
4.	Have highly uncertain and potentially significant environmental		
_	effects or involve unique or unknown environmental risks.	-	_ <u>X</u> _
5.	Establish a precedent for future action or represent a decision in		
	principle about future actions with potentially significant		
_	environmental effects.		<u>X</u>
6.	Be directly related to other actions with individually insignificant		
_	but cumulatively significant environmental effects.	-	<u>X</u>
7.	Have significant impacts on properties listed, or eligible for listing,		

in the National Register of Historic Places.		
Have significant impacts on species listed, or proposed to be listed,		
on the List of Endangered or Threatened Species, or have adverse		
effects on designated Critical Habitat for these species.		<u>X</u>
Violate a Federal law, or a State, local or tribal law or requirement		
imposed for the protection of the environment.		<u>X</u> _
Have disproportionately high and adverse effect on low income or		
minority populations.		<u>X</u> _
Limit access to and ceremonial use of Indian sacred sites by Indian		
religious practitioners or adversely affect the physical integrity of		
such sacred sites.		<u>X</u>
Contribute to the introduction, continued existence, or spread of		
noxious weeds or non-native invasive species known to occur in the		
area or actions that may promote the introduction, growth, or		
expansion of the range of such species.		_X_
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#### INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	
Glade Hadden	Archeologist	Cultural, Native American	
		Religious Concerns	
Ken Holsinger	Biologist	T&E, Wildlife and Migratory Birds	
Judy Kittson	Engineer	Road standards and Maintenance	

#### **REMARKS:**

Cultural Resources: The action affects lands that are situated entirely within previously disturbed ground, and is exempt from additional inventory requirements under the Colorado BLM/SHPO protocol agreement of 2015.

Native American Religious Concerns: There are none known or anticipated for this action.

Threatened and Endangered Species: There are no animal or plant species listed, proposed, or candidate to the Endangered Species Act or considered sensitive to the BLM that are known to inhabit or derive important use of habitats within or adjacent to the Proposed Action.

Some migratory bird species may be present in the project area (See "BIRDS OF CONSERVATION CONCERN OF THE UFO" Table in the TES Wildlife and Plants Report). Road maintenance and vehicle traffic use of the routes during the spring/summer (migratory bird breeding season), may result in some individuals being temporarily displaced from their nesting sites and could have impacts to breeding efforts for that season. No population level impacts are expected.

To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core

breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

All the routes identified occur within both elk and mule deer winter ranges including severe elk winter range and mule deer winter concentration areas. Construction activity and new surface disturbance will be prohibited during the period from December 1 to April 30 for the protection of elk and mule deer within winter and severe winter range. Any exceptions to this requirement must have prior written approval from the authorized officer.

NAME OF PREPARER: Nick Szuch, Realty Specialist

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE: 12 17 15

#### COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number E.16 which allows "Issuance of rights-of-way for the use of existing facilities, improvements or sites for the same or similar purposes." This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

Sara L. Dawson

Acting Field Manager

Uncompangre Field Office

DATE SIGNED: 13 15

Attachments (2):

Exhibit A: Design Features and Stipulations

Exhibit B: Maps (11)

#### **DESIGN FEATURES**

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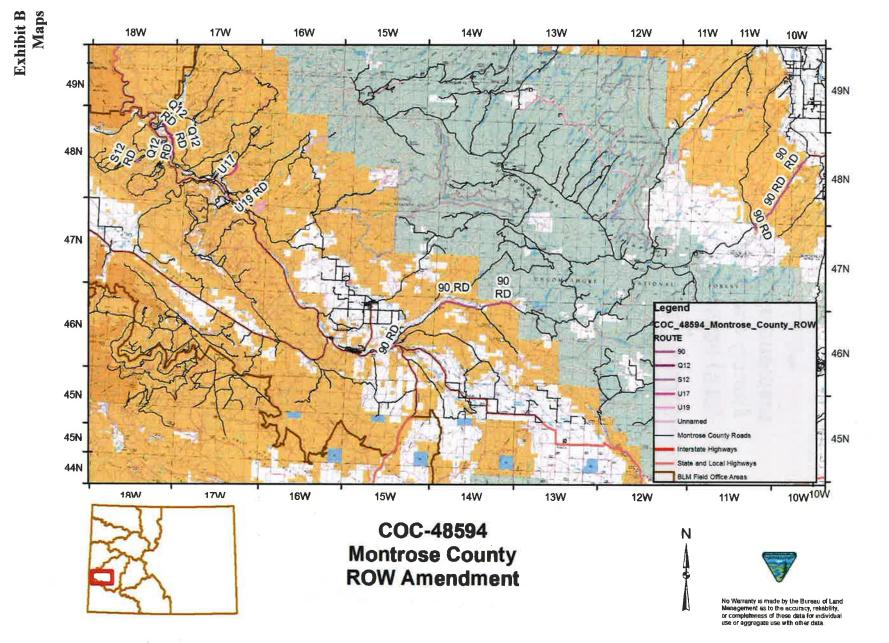
#### **STIPULATIONS**

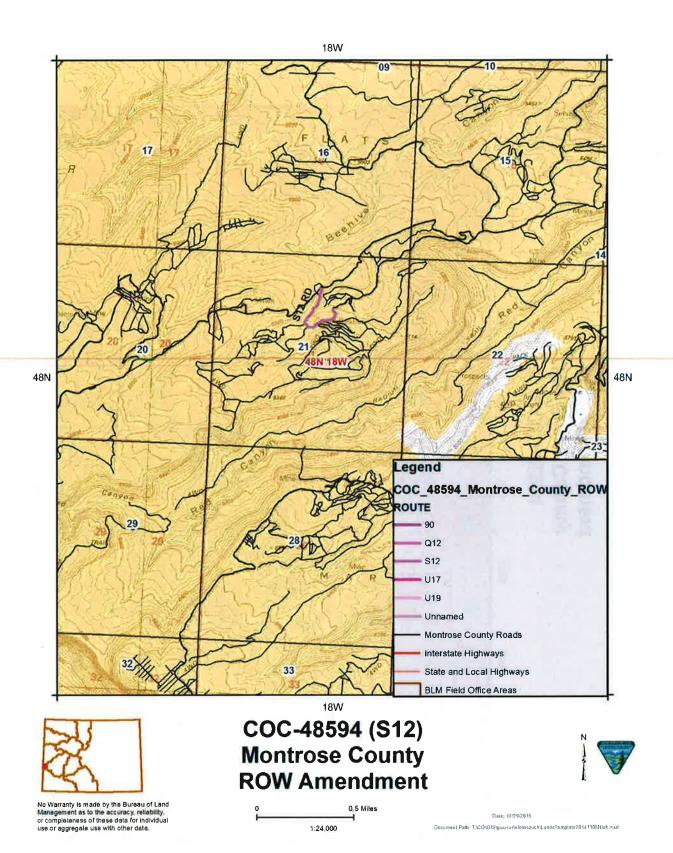
- 1. The holder shall contact the authorized officer at least 60 days prior to the anticipated start of road construction or maintenance activities. For emergencies, the holder will contact the BLM as soon as possible after maintenance activities. The authorized officer may require and schedule a meeting with the holder prior to the holder's commencing such construction or maintenance activities on the right-of-way. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, Uncompander Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Nick Szuch, Realty Specialist, Uncompander Field Office, (970) 240-5322.
- 2. The holder shall construct, operate and maintain the county roads within this right-of-way in conformance with Montrose County road standards. Road maintenance shall be performed to minimize erosion along the roadway and adjacent public land. Road maintenance shall include, but is not limited to, road blading, surfacing as necessary, constructing side ditches and maintenance of culverts and cattle guards as applicable. Paving of any of the roads covered in this right-of-way will require prior approval from the authorized officer.
- 3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
- 4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- 5. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover

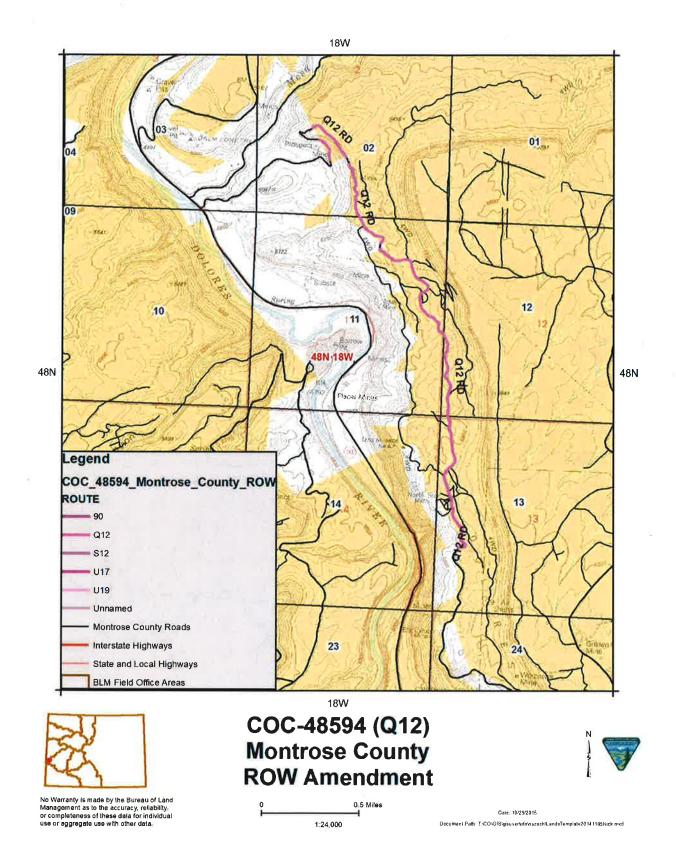
- the proposed activities for the next growing season. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
- 6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides approved for use on public land.
- 7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
- 8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
- 9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
- 10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
- 11. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs to restore access are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
- 12. The holder shall disturb the minimum amount of soils and vegetation necessary for road maintenance and operation activities. The holder shall maintain the road to provide drainage and minimize erosion. Drainage crossings and water bars will be constructed to adequately reduce erosion. Culverts will be installed if necessary to maintain drainage and will be a minimum diameter of 18 inches. The holder will re-contour disturbed areas

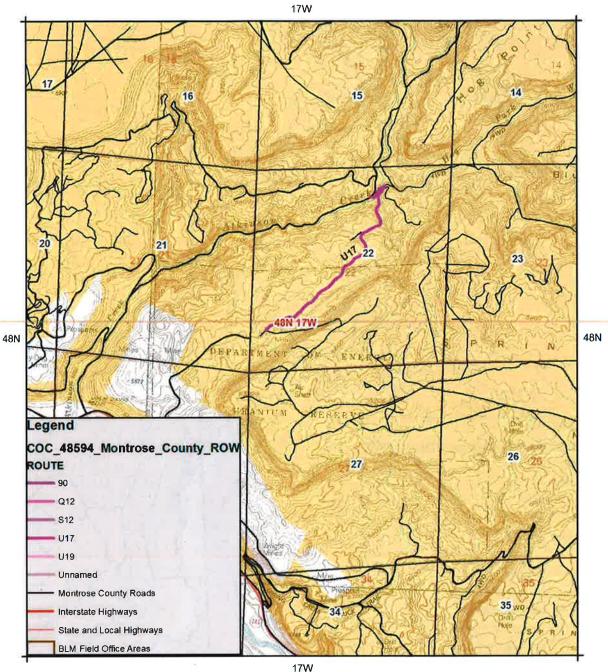
- outside of the roadway as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer. Any excess and/or unsuitable materials will be disposed of as directed by the authorized officer.
- 13. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
- 14. Construction activity and new surface disturbance will be prohibited during the period from December 1 to April 30 for the protection of elk and mule deer within winter and severe winter range. Any exceptions to this requirement must have prior written approval from the authorized officer.
- 15. To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.
- 16. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

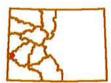












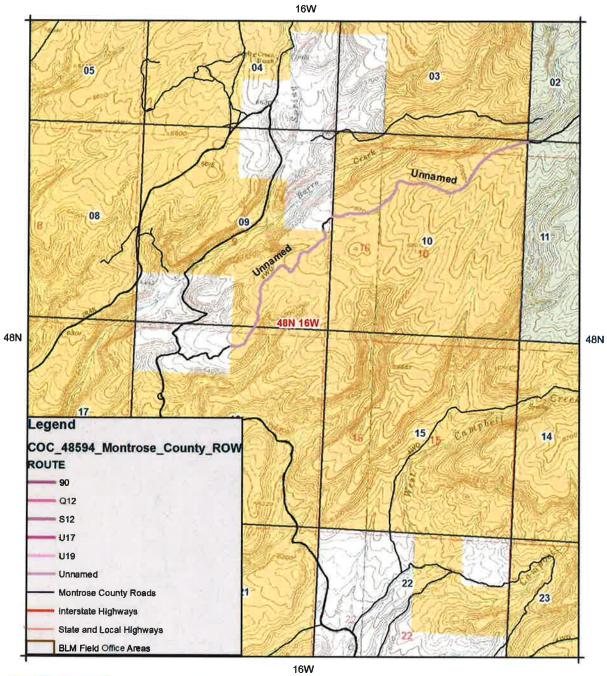
No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

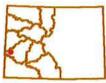
## COC-48594 (U17) Montrose County ROW Amendment

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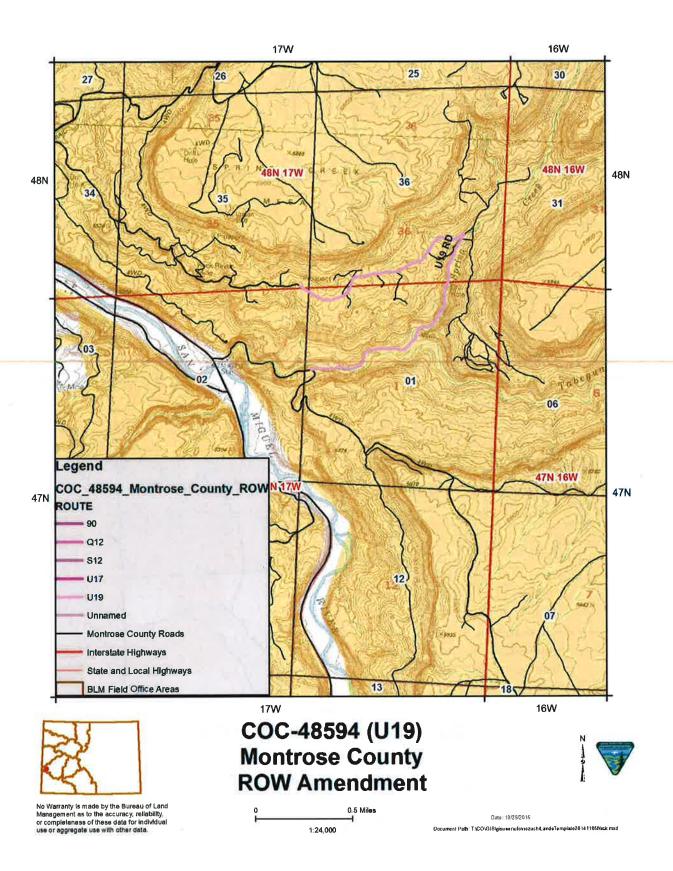
# COC-48594 (Unnamed CR) Montrose County ROW Amendment

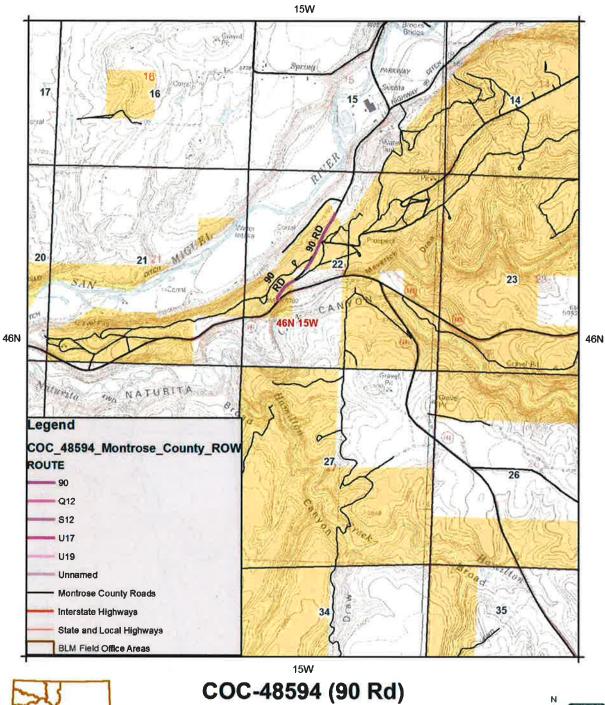


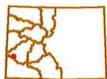
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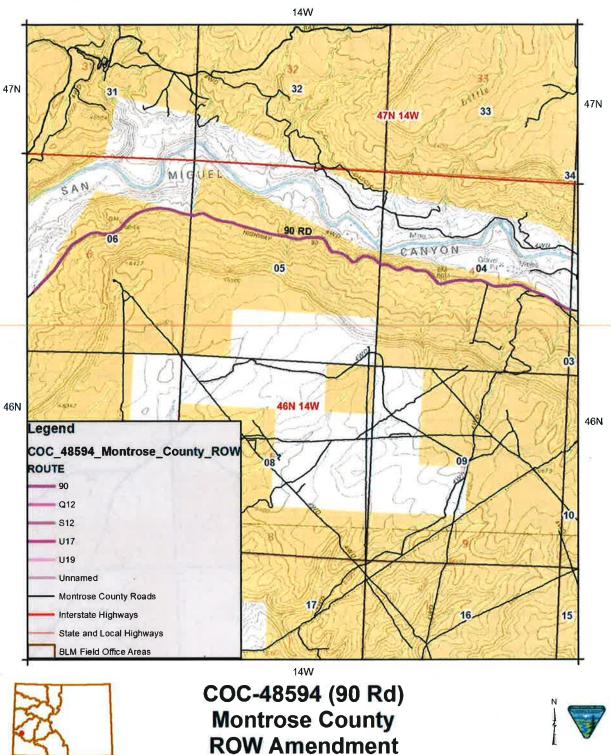
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## COC-48594 (90 Rd) Montrose County ROW Amendment

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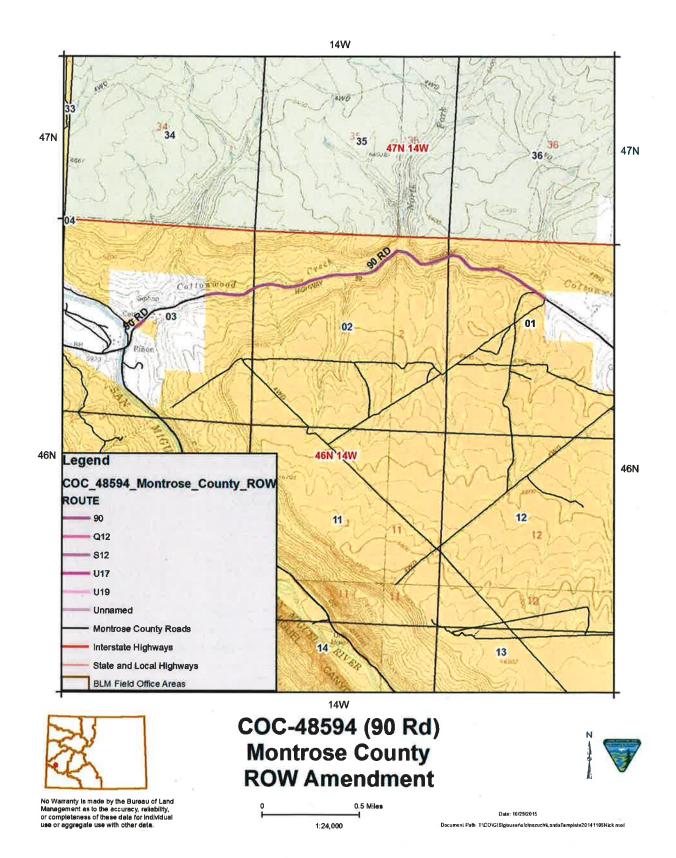


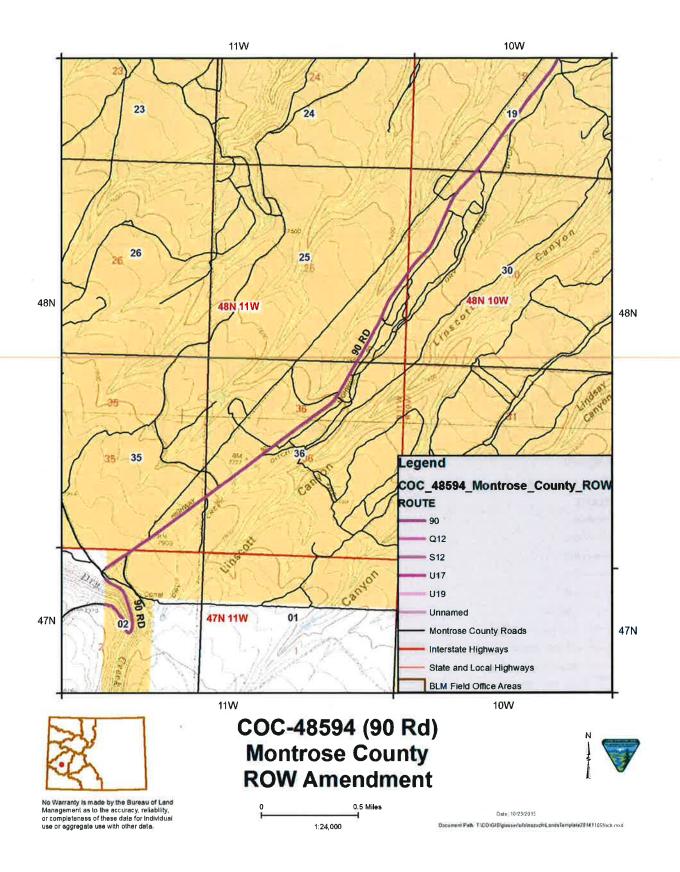


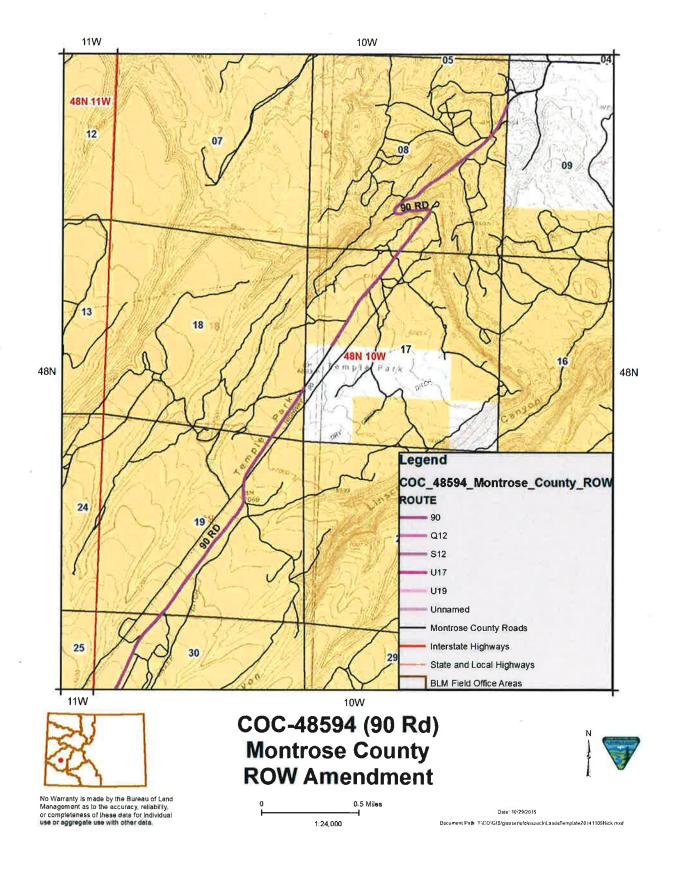
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U.S. Department of the Interior Bureau of Land Management Uncompander Field Office 2465 South Townsend Avenue Montrose, CO 81401

#### **Decision Record**

#### (DOI-BLM-CO-S050-2016-0004 CX)

PROJECT NAME: 2016 Montrose County Roads Right-of-Way

<u>DECISION</u>: It is my decision to amend the MC ROW COC- 48594 to include all of the existing roads listed in Table 1 and shown in Exhibit B of the Categorical Exclusion (CX). The road segments would be maintained in accordance with the maintenance service level identified in Table 1 and described in in the Montrose County Standards and Specifications for Roads and Bridges, amended August 21, 2006 (Resolution #114-2006). It is also my decision to accept the relinquishment of COC-46549 and close the ROW case file.

<u>MITIGATION MEASURES</u> The ROW will be subject to the design features and stipulations shown in Exhibit A of the CX.

#### **RATIONALE:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E.16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

<u>COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN</u>: The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompandere Basin and San Juan/San Miguel RMPs.

#### PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompangre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

#### **ADMINISTRATIVE REMEDIES:**

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Nick Szuch, Realty Specialist

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE 12 17 15

SIGNATURE OF AUTHORIZED OFFICIAL

Sara L. Dawson
Acting Field Manager
Uncompanyer Field Office

DATE SIGNED 13 18 15